

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GUARDIAN INDUSTRIES CORP.,)
Plaintiff,)

v.)

DELL, INC.; GATEWAY, INC.;)
HEWLETT-PACKARD COMPANY; ACER INC.;)
ACER AMERICA CORPORATION;)
AOC INTERNATIONAL;)
ENVISION PERIPHERALS, INC.;)
TPV TECHNOLOGY, LTD.;)
TPV INTERNATIONAL (USA), INC.;)
AU OPTRONICS CORPORATION;)
AU OPTRONICS CORPORATION AMERICA)
a/k/a AU OPTRONICS AMERICA, INC.;)
BENQ CORPORATION;)
BENQ AMERICA CORPORATION;)
CHUNGHWA PICTURE TUBES, LTD. a/k/a)
CHUNGHWA PICTURE TUBES COMPANY;)
TATUNG COMPANY;)
TATUNG COMPANY OF AMERICA, INC.;)
BOE HYDIS TECHNOLOGY COMPANY, LTD;)
BOE HYDIS AMERICA INC.;)
CHI MEI OPTOELECTRONICS;)
COMPAL ELECTRONICS, INC.;)
DELTA ELECTRONICS, INC.;)
DELTA PRODUCTS CORPORATION;)
DELTA ELECTRONICS (THAILAND))
PUBLIC COMPANY, LTD.;)
HANNSTAR DISPLAY CORPORATION;)
JEAN CO., LTD.; LITE-ON TECHNOLOGY)
CORPORATION; LITE-ON, INC.)
a/k/a LITEON TRADING USA, INC.;)
MAG TECHNOLOGY COMPANY, LTD.;)
MAG TECHNOLOGY USA, INC.;)
PROVIEW INTERNATIONAL HOLDINGS, LTD.;)
PROVIEW TECHNOLOGY, INC.;)
PROVIEW ELECTRONICS COMPANY, LTD; and)
QUANTA DISPLAY, INC.)

Defendants.)

C.A. No. 05-27-SLR

JURY TRIAL DEMANDED

**DELL INC.'s MOTION TO STAY PENDING RESOLUTION OF
THE CASES AGAINST LCD MODULE MANUFACTURERS**

Defendant Dell Inc. ("Dell"), as a pure customer of allegedly infringing liquid crystal display ("LCD") products, respectfully moves this Court to enter an Order staying the above-captioned action against Dell pending the final resolution of Plaintiff Guardian Industries Corporation's ("Guardian") claims against the LCD product manufacturers in this action. As a pure customer of allegedly infringing products Dell has no technical information regarding the design and/or manufacture of such products, nor does Dell have the ability to address fully and thoroughly the substance of the claims raised by Guardian. Rather, it is the LCD product manufacturers who have an overriding interest in defending their products and who have the technical and factual information necessary to defend against Guardian's claims of patent infringement. As recognized in two other cases pending in this District, *Commissariat Á L'Energie Atomique v. Dell Computer Corp., et al.* ("CEA"), C.A. No. 03-484-KAJ, 2004 WL 1554382 (D. Del. May 13, 2004) (Ex. A hereto) and *Honeywell International, Inc. v. Apple Computer, Inc., et al.* ("Honeywell"), C.A. No. 04-1338-KAJ, slip op. (D. Del. May 18, 2005) (Ex. B hereto) staying the case against the customer defendants and proceeding against the LCD manufacturers will greatly simplify this case and make better use of valuable judicial and litigant resources.

The grounds for this Motion are set forth in Dell Inc.'s accompanying Memorandum in Support of Dell Inc.'s Motion to Stay Further Proceedings in this Action. A proposed Order granting Dell's Motion is attached as Ex. C hereto.

Rule 7.1.1 Certification: Counsel for movant Dell, Inc., on behalf of the movant, discussed this Motion with counsel for Guardian, however, Guardian would not agree to the requested relief.

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Dated: June 7, 2005

By:



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FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on June 7, 2005, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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